

REMARKS

Claims 23-44 are pending in this application. By this Amendment, claims 23, 28, 29, 41 and 42 are amended. In particular, claims 23, 41 and 42 are amended to even more clearly distinguish over the applied art, and claims 28 and 29 are amended to correct minor informalities. Support for amended claims 23, 41 and 42 can be found, for example, in Fig. 3. Accordingly, no new matter is added by this Amendment. In view of the foregoing, reconsideration and allowance are respectfully requested.

Applicants note with appreciation the indication of allowable subject matter in claims 30-32 and 37-39. Applicants respectfully submit that all of the claims are allowable as detailed below.

Claims 23-29, 34, 36 and 40-44 are rejected under 35 U.S.C. §102(e) over Peterlechner et al. (U.S. Patent No. 6,612,048). This rejection is respectfully traversed.

Peterlechner fails to disclose all of the features recited in independent claims 23, 41 and 42. In particular, Peterlechner fails to disclose a continuous rotary ring, provided with scale marks on a surface thereof, defining a pattern and readable by a readhead of the apparatus. Peterlechner discloses a measuring tape having an adjusting device for adjusting a joint between both ends of the measuring tape. See, for example, col. 2, line 66 - col. 3, line 3. Peterlechner does not disclose a continuous rotary ring, as recited in independent claims 23, 41 and 42. The measuring tape in Peterlechner is clearly shown in Figs. 1, 2 and 4 to have two ends separated from each other by an adjustment device.

Furthermore, the use of a continuous rotary ring would not have been rendered obvious in view of Peterlechner. There is no suggestion to modify the measuring tape of Peterlechner to form a continuous rotary ring. For example, Peterlechner states that his design has the advantage of allowing the manufacturer to adjust the joint of the measuring

band, and that the joint can also be adjusted after assembly. See, for example, col. 3, lines 22-27.

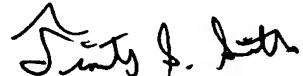
Because Peterlechner fails to disclose all of the features recited in independent claims 23, 41 and 42, and because it would not have been obvious to provide the claimed continuous rotary ring in view of Peterlechner, withdrawal of the rejection is respectfully requested.

Claims 33 and 35 stand rejected under 35 U.S.C. §103(a) over Peterlechner et al. This rejection is respectfully traversed. These claims are patentable for at least the reasons set forth above with respect to claim 21.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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